

REPORT OF THE CHIEF OFFICER ECONOMY AND PLANNING – 9 January 2023

APPLICATION NO:
P/2022 /0951

LOCATION:
PINDAR BUNGALOW CROSS
LANES WREXHAM
LL13 0TA

DATE RECEIVED:
03/11/2022

COMMUNITY:
Sesswick

CASE OFFICER:
SH3

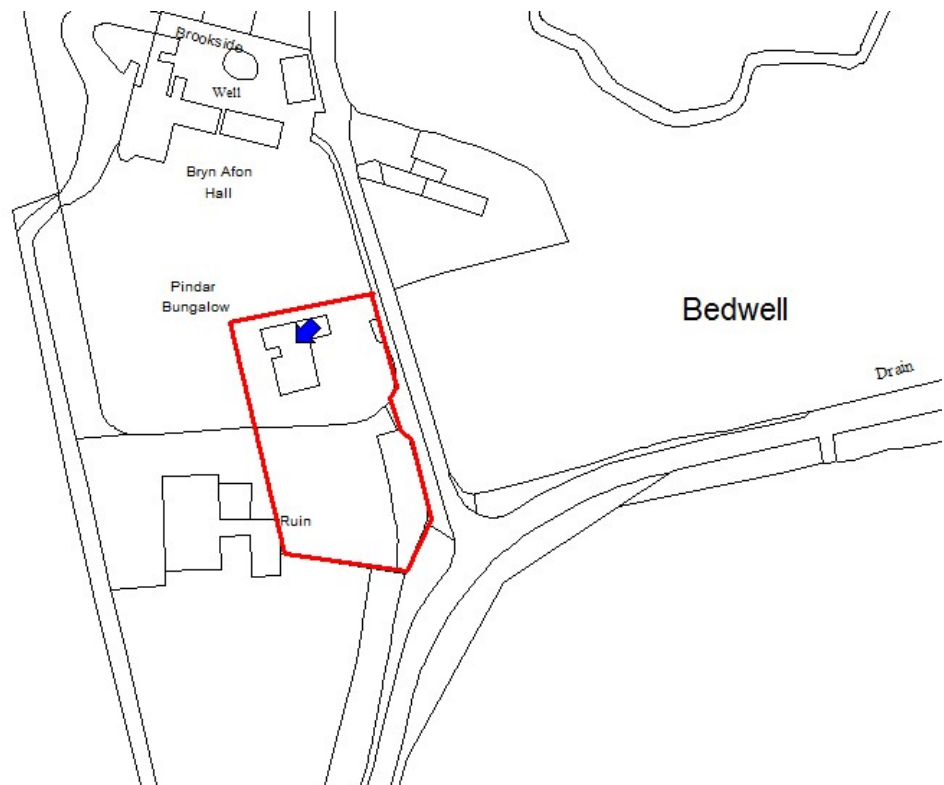
WARD:
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DESCRIPTION:
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DDIWYGIO CYNLLUNIAU
CYMERADWY / VARIATION OF
CONDITION 2 OF PLANNING
PERMISSION P/2021/0916 TO
AMEND APPROVED PLANS

AGENT NAME:
BLUEPRINT LTD
DAFYDD EDWARDS

APPLICANT(S) NAME:
MR IAN SMITH

THE SITE



PROPOSAL

REPORT OF THE CHIEF OFFICER ECONOMY AND PLANNING – 9 January 2023

The application seeks permission to vary condition 2 of planning permission P/2021/0916:

The development shall only be carried out in strict accordance with the details shown on the approved drawing(s) numbered S095/001, S095/005, S095/006 and as contained within the application documentation.

It is proposed to substitute the plans referenced in the condition for amended plans. The proposed amendments are:

- the addition of a porch to the front elevation of the dwelling;
- moving composite cladding from the left to the right side of the garage.

The application also originally included two dormer windows in place of the originally approved skylights in the garage. However these amendments have been removed from the proposal,

No changes are proposed to access, parking or layout.

HISTORY

P/2021/0916	Demolition of existing dwelling and erection of replacement. Granted 14.12.2021
P/2022/0240	Discharge of conditions 3 (materials), 4 (arboricultural method statement), 5 (landscaping) and 8 (ecology). Granted 13.5.22

DEVELOPMENT PLAN

The site is located outside of the settlement limit and within a Special Landscape Area. Policies PS2, GDP1, EC5, EC6, H5, H10 and T8 are considered to be relevant.

Local Planning Guidance notes 13, 21 and 16 are also relevant.

CONSULTATIONS

Community Council

The Community Council raises concerns about the following matters:

- The application is looking to make changes which go well beyond the original planning consent.
- This is within a Special Landscape Area. Ancient hedgerow has been removed and replaced with a post and rail fence possibly on land belonging to Wrexham Council, and as a result the development is significantly more visible from the B5130 and the surrounding area.
- Virtually all the mature trees and hedgerows, providing screening and a wildlife habitat have been cut down, contrary to the advice of the

REPORT OF THE CHIEF OFFICER ECONOMY AND PLANNING – 9 January 2023

Abroriculturalist and the Bat Report and contrary to the original agreement.

- A garage appears to have moved position with a mature tree having been cut down to accommodate its position.
- The building has been constructed to a greater height than shown on the plans.
- Increase in hard surface area.
- The plot dimensions / area has deviated and is inaccurate.
- A footpath has been erased without due consultation, compromising the 12/1/2017 Modification Order relating to footpath 23 in its route to footpath 24.
- The proposal seeks to change roof lights to dormer windows on the garage which means that it would look more like a dwelling than a garage.
- The addition of a porch on the bungalow, brings the building closer to the road.

Local Member

No response has been received.

Site Notice

Expired 30.12.22

Neighbours

The owners/occupiers of the two nearby properties notified 5.12.22. One letter of objection has been received raising the following concerns:

- Loss of trees and wildlife, despite being advised that the trees would remain.
- Loss of ancient relic hedge line which means that the development is significantly more visible from the B5130.
- The garage windows are to be dormer windows adding significantly to the proportions of this already large building, the character of the building more resembling a house than a garage.
- Surface water drainage is stated to be to soakaways yet the surface water survey states that infiltration is not suitable because of the clay underlying the site.
- This porch increases the proportions and dominance of the property and brings the building line forward to the road.
- The landscape plan does not show the actual plot. The whole of the area north of the property is now shown on the landscape plan as paved which will add to water run off issues.
- There has been a stoned pathway (suitable for vehicles) which has now been removed by the applicant despite him being made aware by WCBC of the footpath. It is not shown on the landscape plan and if the modification is approved walkers will feel intimidated to use this path.

SPECIAL CONSIDERATIONS

REPORT OF THE CHIEF OFFICER ECONOMY AND PLANNING – 9 January 2023

Principle of Development: The principle of a replacement dwelling with detached garage is established by the extant planning permission. Consideration therefore only needs to be given to the impact of the proposed amendments.

Design: The proposed porch would be a small addition to the original proposals, with the main structure measuring 2.6m wide x 1.6m deep, with an overhang projecting 2.5m from the front elevation of the dwelling. This addition would be in keeping with the design of the dwelling and have minimal impact on the Special Landscape Area.

The proposed changes to the finished detail of the garage are minor and would not have a materially greater impact on the character of the site or wider area than the previously approved scheme.

Amenity: The amendments would not result in any additional impact upon the nearest dwellings.

Other Matters: The concerns expressed by the Community Council and objector in respect of trees/hedgerows, the footpath and accordance with the previously approved plans are noted. However these matters are entirely separate to the scheme before Members and they are the subject of an investigation by the Council's Planning Enforcement Team.

The Community Council and objector have expressed concern about not being made aware of application ref no. P/2022/0240. Unlike applications for planning permission, there is no statutory requirement to consult with Community Councils or notify neighbours when applications to discharge conditions are received. However, in accordance with Welsh Government guidance in Circular 16-2014, NRW and the Council's Ecology and Arboricultural Officers were consulted for their advice as to whether the details submitted were acceptable.

CONCLUSION

The applications seeks permission for two minor changes to the plans previously approved. The amendments would not have a detrimental impact upon the appearance of the development, the Special Landscape Area or neighbouring properties. Accordingly there is no conflict with the relevant UDP policies.

RECOMMENDATION: That permission be GRANTED

CONDITION(S)

1. The development shall only be carried out in strict accordance with the details shown on the approved drawing(s) numbered S095/001, Rev E, S095/008, Rev D, Sheet 1 of 2, S095/008, Rev D, Sheet 2 of 2, S095/006, Rev B and as contained within the application documentation.

REPORT OF THE CHIEF OFFICER ECONOMY AND PLANNING – 9 January 2023

2. The development hereby permitted shall be carried out in accordance with the Materials Sheet for Pindar Bungalow, Kiln Lane, Cross Lanes, Wrexham, LL13 0TA, approved on 13th May 2022 under reference no: P/2022/0240.
3. The development hereby permitted shall be carried out in strict accordance with the arboricultural method statement by Shields Arboricultural Cosultant - AMS/PCB/02/22 - Dated 19 February 2022, approved on 13th May 2022 under reference no: P/2022/0240.
4. The development hereby permitted shall be carried out in strict accordance with the Landscaping Plan S095/009/Rev B approved on 13th May 2022 under reference no: P/2022/0240
5. Prior to first use of the development the site shall be laid out in strict accordance with layout plan(s) No. S095/006 Rev B.
6. The development shall be carried out in strict accordance with the findings and recommendations contained within the Ecology Assessment as carried out by Tyrer Ecological Consultants Ltd and dated November 2021 approved as part of this application. The mitigation and compensation measures hereby approved shall be fully implemented prior to first use of the development.
7. The development hereby permitted shall be carried out in strict accordance with the Method Statement by K. Wilding and J. Pescod, Pindar Bungalow, Version 1, Dated 25/02/2022 and approved on 13th May 2022 under reference no: P/2022/0240.

REASON(S)

1. To comply with section 71ZA (2) of the Town and Country Planning Act 1990.
2. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies GDP1 and PS2 of the Wrexham Unitary Development Plan.
3. To ensure the work is carried out to accepted arboricultural practices for the long term wellbeing of the tree(s) in accordance with Policies GDP1, PS2 and EC4 of the Wrexham Unitary Development Plan.
4. To ensure the work is completed within a reasonable time scale in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
5. In the interests of highway safety in accordance with Policy GDP1 of the Wrexham Unitary Development Plan.
6. To protect named species / habitats / biodiversity which would otherwise be damaged / lost by the development hereby permitted in accordance with Policies GDP1 and EC6 of the Wrexham Unitary Development Plan.
7. To ensure that an approved species Conservation Plan is implemented, which protects species affected by the development.

NOTE(S) TO APPLICANT

The scheme of landscaping referred to in the above conditions shall include any changes to ground levels (shown by existing and proposed

REPORT OF THE CHIEF OFFICER ECONOMY AND PLANNING – 9 January 2023

contours/levels) and any existing vegetation (showing that to be retained) and proposed planting. In addition, any of the following which apply to the particular site must be included:- means of enclosure, car parking layout, access and circulation areas, materials for hard surfaced areas, any minor structures (e.g. refuse stores, lamp columns, play equipment) location of services, and any historic landscape features to be retained/improved. Public Footpaths Nos. 23 & 24 Sesswick pass through / close to the development site and should not be interfered with. I would strongly recommend that the applicant liaises with our Public Rights of Way Section to discuss the proposed development. Please contact Mr. Sean Hanratty on Tel: 01978 729761.

Your attention is drawn to Highway Supplementary Notes Numbered 1, 3, 4 and 5 - Refer to Statement of Applicant's Rights and General Information on our planning web site at:-

[http://www.wrexham.gov.uk/english/planning_portal/publications/info_sheets.h
tm](http://www.wrexham.gov.uk/english/planning_portal/publications/info_sheets.htm)

All works at the site must be carried out in accordance with PPG6: 'Working at construction and demolition sites' which are available on the following website:

[http://www.netregs.org.uk/environmental-topics/pollution-prevention-
guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-
gpps-full-list/](http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/)

The activity of importing waste into the site for use as, for example hardcore, must be registered with Natural Resources Wales as an exempt/permittable activity under the Environmental Permitting Regulations 2016. The developer should contact Natural Resources Wales to discuss the necessity for an exemption/permit for any material imported to and exported from the site.

If during construction/excavation works any contaminated material is revealed, then the movement of such material either on or off site should be done in consultation with Natural Resources Wales. Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with Section 34 of the Environmental Protection Act 1990. Carriers transporting waste from the site must be registered waste carriers and movement of any Hazardous waste from the site must be accompanied by Hazardous waste consignment notes.

Waste produced during the construction phase of your development must be dealt with appropriately and be in line with all relevant waste legislation including Duty of Care Regulations and Hazardous Waste Regulations. As part of your waste duty of care you must classify the waste produced:

- before it is collected, disposed of or recovered
- to identify the controls that apply to the movement of the waste
- to complete waste documents and records
- to identify suitably authorised waste management options
- to prevent harm to people and the environment.

Any waste removed from site will be subject to waste management controls. The links below provide information on how to classify waste and register as a

REPORT OF THE CHIEF OFFICER ECONOMY AND PLANNING – 9 January 2023

waste carrier or hazardous waste producer:

<https://naturalresources.wales/permits-and-permissions/waste/?lang=en>

<https://naturalresources.wales/permits-and-permissions/waste/waste-permits/?lang=en>

Further guidance can be found on the GOV website here:

<https://www.gov.uk/managing-your-waste-an-overview/duty-of-care>

All works in relation to the implementation of this permission, including deliveries to and /or leaving the site, should be undertaken only between the hours of 07.30 to 18.00 Monday to Friday, 08.00 to 14.00 on a Saturday, and at no time on a Sunday or a Bank Holiday. Outside these times, any works which are audible beyond the site boundary have the potential to cause unreasonable disturbance to neighbouring premises.

The applicant is advised that the Council has the option to control construction noise by serving a Control of Pollution Act 1974, Section 60 Notice where deemed necessary, and failure to comply with such a Notice can result in prosecution.

The applicant is further advised that any complaints received relating to noise of any type from the development may also be investigated using the Council's Standardised Procedure for Dealing with Noise Nuisance Complaints. This is done under the Statutory Nuisance provisions provided within the Environmental Protection Act 1990, and legal action may be taken where appropriate.

The applicant must adhere to the times given above wherever possible. If, however, there are urgent or unavoidable circumstances requiring work outside of the specified times, permission to proceed may be sought by contacting Environmental Health & Housing Standards at healthandhousing@wrexham.gov.uk or 01978 292040. Please use the same contact details for any other enquiries regarding construction / demolition site noise.

Burning of waste generated from construction activities is not considered to be an appropriate method of disposal and action may be taken as follows:

- Under the Environmental Protection Act 1990 anyone found disposing of construction site waste by burning is likely to be in breach of their duty of care with regard to waste disposal;
- Under the same Act an abatement notice may be served where smoke is judged to be causing a nuisance to neighbouring properties. Failure to comply with the requirements of the notice can result in prosecution;
- Under the Clean Air Act 1993 it is an offence for a commercial activity to burn anything that gives rise to dark smoke.

To prevent offences under the above named Acts there should be no bonfires on the site, to include the prohibition of the burning of cleared vegetation. The applicant should contact the Council's Environmental Health & Housing

REPORT OF THE CHIEF OFFICER ECONOMY AND PLANNING – 9 January 2023

Standards Team on healthandhousing@wrexham.gov.uk or 01978 292040 for further advice and information.

The Applicant is advised that under the dust from construction and / or demolition activities can be judged to be causing a statutory nuisance to neighbouring properties. A legal notice can be served requiring that any dust nuisance is abated, and failure to comply with the requirements of the notice can result in prosecution. The applicant should contact the Council's Environmental Health & Housing Standards Team on healthandhousing@wrexham.gov.uk or 01978 292040 for further advice and information.
